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March 26, 2014

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **NOTIFICATION OF THE USE OF DELEGATED AUTHORITY TO ACCEPT A GRANT AMENDMENT FROM THE STATE WATER RESOURCES CONTROL BOARD**

This is to notify you that I am exercising the delegated authority approved by your Board on January 15, 2013, to apply for and accept grants and grant amendments from the State Water Resources Control Board (SWRCB), at amounts to be determined by the SWRCB, for Ocean Water Quality Monitoring and Public Notification services for the period of July 1, 2012 through September 30, 2018; the awarded grants and amendments subject to review and approval as to form by County Counsel, and notification to your Board and the Chief Executive Office.

Under this authority, I will accept SWRCB Agreement Number 12-041-250 Amendment 1 for the performance period of October 1, 2013 to September 30, 2014 in the amount of \$291,628, consisting of \$266,628 in State funds and \$25,000 in federal funds. These funds will allow the Department of Public Health to continue providing ocean water quality monitoring at public beaches and submitting all location, monitoring, and notification data in accordance with SWRCB's requirements.

The SWRCB Agreement includes a provision requiring the County to indemnify the State for all claims and losses and to waive all claims and recourse against the State related to this Agreement. This is a standard requirement from the State and cannot be waived or modified. I have been advised by CEO Risk Management and County Counsel of the risks associated with this provision. Additionally, the Agreement contains terms governing dispute resolution, which are essentially administrative in nature. However, I believe these terms and risks to be acceptable in light of the need for the services and the resulting benefit to public health.

County Counsel has reviewed and approved the grant agreement as to form and this delegated authority.

If you have any questions or need additional information, please let me know.

JEF:fs
#2908

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors